

PHILLIP A. TALBERT  
Acting United States Attorney  
AARON D. PENNEKAMP  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARIO GONZALEZ,  
  
Defendant.

CASE NO. 2:20-CR-00013-WBS  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
  
DATE: December 20, 2021  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this Court granted previous counsel's motion to withdraw as counsel for defendant and set this matter for a status conference concerning the appointment of new defense counsel on December 20, 2021.

2. On December 13, 2021, this Court signed an order appointing the undersigned defense counsel to represent the defendant in this matter.

3. Accordingly, the defendant moves to continue the previously scheduled status conference until February 14, 2022 at 900 a.m., and to exclude time between December 20, 2021, and February 14, 2022, under Local Code T4.

4. The parties agree and stipulate, and request that the Court find the following:

1 a) The government has represented that the discovery associated with this case  
2 includes photographs, several video and audio recordings, reports, prior arrest reports, and  
3 documentation of the defendant's prior criminal history. All of this discovery has been either  
4 produced directly to defendant's previous counsel and/or made available for inspection and  
5 copying. Defendant's new counsel is presently making arrangements to gain access to, and  
6 review, this discovery.

7 b) Counsel for the defendant has recently changed. Previous defense counsel filed a  
8 motion to withdraw as counsel of record, and this Court granted that motion, appointing the  
9 undersigned to represent defendant on December 13, 2021.

10 c) In light of this change, the defendant desires additional time to review the  
11 discovery already produced in this case, to investigate the facts of the case and defendant's  
12 criminal history, to discuss the case and case strategy with the defendant, to review the previous  
13 filings and orders entered in this case, and to otherwise prepare for trial.

14 d) Counsel for the government and the defendant have met and conferred and agreed  
15 to continue the status hearing in this case until February 14, 2022, the next date that both counsel  
16 and the Court are available.

17 e) Counsel for the government and the defendant agree that failure to grant the  
18 above-requested continuance would deny counsel the reasonable time necessary for effective  
19 preparation, taking into account the exercise of due diligence.

20 f) Neither the government, nor the defendant object to the continuance.

21 g) Based on the above-stated findings, the ends of justice served by continuing the  
22 case as requested outweigh the interest of the public and the defendant in a trial within the  
23 original date prescribed by the Speedy Trial Act.

24 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
25 et seq., within which trial must commence, the time period of December 20, 2021 to February  
26 14, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local  
27 Code T4] because it results from a continuance granted by the Court at the defendant's request  
28 on the basis of the Court's finding that the ends of justice served by taking such action outweigh

1 the best interest of the public and the defendant in a speedy trial.

2 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
3 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
4 must commence.

5 IT IS SO STIPULATED.

6  
7  
8 Dated: December 15, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

9  
10 /s/ AARON D. PENNEKAMP  
AARON D. PENNEKAMP  
Assistant United States Attorney

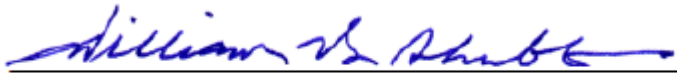
11  
12 Dated: December 15, 2021

/s/ CHRIS COSCA  
CHRIS COSCA  
Counsel for Defendant  
MARIO GONZALEZ

13  
14  
15  
16  
17 **FINDINGS AND ORDER**

18 IT IS SO FOUND AND ORDERED.

19 Dated: December 17, 2021

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE